

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 357 OF 2007**

Jainath Suresh Phadtare ..Applicant  
V/s  
The State of Maharashtra ..Respondent.

Mr. M.S. Mohite, Advocate for the applicant.  
Mrs. M.H. Mhatre, APP for the State.

**CORAM : J.H. BHATIA, J.**

**DATE : 23RD FEBRUARY, 2007.**

P.C.

. Heard Mr.Mohite, learned Counsel for the applicant and Mrs. Mhatre, learned APP for the State. Perused the police papers.

2. The applicant, who is accused No. 2 in Crime No.75/2006 registered at Haveli Police Station, Pune for the offence punishable under Section 302 r/w section 34 of Indian Penal Code seeks to be released on bail. He is in custody since 31st March, 2006. It appears that during the investigation blood stained clothes were allegedly seized from the present applicant and accused No.1. Earlier all the three accused persons had filed Criminal Application No. 3670/2006 for bail. After

arguments the learned Counsel appearing for the applicants/accused did not press the application to the extent of accused Nos. 1 and 2. However, accused No.3 was granted bail. Mr. Mohite, learned Counsel for the applicant points out that thereafter the present applicant had filed application before the Sessions Court requesting for supply of copy of C.A. report. But in spite of direction given by the learned Additional Sessions Judge, police did not produce the C.A. report. In spite of this, application filed by the present applicant for bail came to be rejected by the Sessions Court on the ground that his earlier application was rejected.

3. The above facts clearly reveal that on merits the application was argued at length but the Court was not inclined to grant bail and therefore, application to the extent of applicant No.1 and 2 was not pressed, while third accused was granted bail. I do not find any change of circumstances thereafter. It is true that now the accused/applicant is in custody for last about ten and half months. Therefore, the trial should be expedited.

4. In view of the above circumstances, the application stands rejected. However, the learned Sessions Court is directed to expedite the trial and dispose of the case as early as possible, preferably within next four months. The Investigating Officer shall take steps immediately to secure C.A. report and produce before the Sessions Court, so that the copy may be supplied to the accused before the trial.

(J.H. BHATIA, J.)